

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Brenda Turner, R.D.A.
Registration No. A8689

**STIPULATION AND
ORDER FOR VOLUNTARY
SURRENDER OF REGISTRATION**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minnesota Statutes chapter 150A, section 214.10, and section 214.103 to license and regulate registered dental assistants, to refer complaints against registered dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

The Board received a complaint against Brenda Turner, R.D.A. ("Registrant"). The Board's Complaint Committee ("Committee") reviewed the complaint and referred the matter to the Attorney General's Office for investigation. Following the investigation, the parties agreed that the matter may be resolved by this stipulation and order.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Registrant and the Committee as follows:

A. Jurisdiction. Registrant holds a registration to practice dental assisting in the State of Minnesota from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Registrant states that she does not hold a license or a registration to practice dental assisting in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This stipulation is based upon the following facts:

1. On August 21, 2003, the Board received a complaint alleging that Registrant's ability to perform the services of a registered dental assistant has been impaired due to chemical dependency and psychiatric illness. The Complaint Review Committee of the Board referred Registrant to the Health Professionals Services Program (HPSP) on September 9, 2003.

2. Registrant contacted HPSP on September 18, 2003. Following a review of Registrant's health records, HPSP determined that monitoring was appropriate for Registrant. HPSP developed an individualized Participation Agreement and Monitoring Plan which was sent to Registrant on October 24, 2003. Among other things, the monitoring plan required that Registrant refrain from practicing dental assisting until HPSP authorized her return to practice.

3. Registrant voluntarily withdrew from the HPSP program and was discharged on November 7, 2003.

C. Violations. Registrant admits that pursuant to Minnesota Statutes sections 150A.08, subd. 1(8) the facts and conduct specified above are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order accepting the voluntary SURRENDER of Registrant's registration to practice dental assisting in the State of Minnesota in accordance with the following terms:

1. Surrender. On the effective date of this Order, Registrant's registration to practice dental assisting in the State of Minnesota is terminated. Within ten days of the date the Order is adopted by the Board, Registrant shall surrender to the Board her original registration and current renewal certificate by delivering them personally or by first class mail to Marshall

Shragg, Executive Director, Minnesota Board of Dentistry, 2829 University Avenue Southeast, Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Registrant shall not engage in any act which constitutes the practice of dental assisting as defined in Minnesota Statutes section 150A.10, subd. 2. and Minn. Rules part 3100.8500 and shall not imply to former patients or other persons by words or conduct that Registrant is registered to practice dental assisting.

3. Application for Re-Registration. Registrant may apply to the Board for re-registration at any regularly scheduled Board meeting no earlier than one year of the effective date of the Board's order. Registrant must comply fully with the applicable statutes and rules in effect at the time of Registrant's application, including the payment of all fees relating to re-registration. Minnesota Rule 3100.1850 does not apply to an application for re-registration following the issuance of a stipulation and order for voluntary surrender of a registration.

4. Along with Registrant's application for re-registration, Registrant shall have the burden of proving that she has successfully addressed the causes of the conduct described in this Order, and that she is fit to practice dental assisting in compliance with accepted standards. Licensee must submit proof that, after the effective date of this order, she has maintained documented, uninterrupted sobriety for a period of at least one year prior to submitting her application for re-registration. Registrant must prove that she has completely abstained from ingesting, injecting, or otherwise taking any mood-altering chemicals or drugs, including alcohol, unless prescribed by a physician or dentist who has been previously informed of Registrant's drug abuse history and with whom Registrant has a formal healthcare provider/patient relationship.

E. Meeting with a Complaint Committee. Registrant shall meet with a complaint committee of the Board at least 30 days prior to the Board meeting to consider Registrant's application for re-registration. The Complaint Committee shall review with Registrant her application and supporting evidence. After meeting with Registrant, the Complaint Committee shall forward a report containing its recommendations to the Board.

F. Board Action. At any regularly scheduled Board meeting following Registrant's application for re-registration and meeting with a Complaint Committee, the Board may take any of the following actions:

1. Reissue a registration to Registrant;
2. Reissue a registration to Registrant with limitations and/or conditions placed upon the scope of Registrant's practice; or
3. Deny the application for re-registration upon Registrant's failure to meet the burden of proof.

G. Judicial Relief. If Registrant violates paragraph D above, a district court of this state may, upon application of the Committee, enter an order enjoining Registrant from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

H. Registrant has the right to be represented by legal counsel in this matter; Registrant has knowingly and voluntarily waived that opportunity.

I. Waiver of Registrant's Rights. For the purpose of this stipulation, Registrant waives all procedures and proceedings before the Board to which Registrant may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the

appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes chapter 14. Registrant agrees that upon the application of the Committee without notice to or an appearance by Registrant, the Board may issue an order imposing the discipline specified herein. The Committee may participate in Board deliberations and voting concerning the stipulation. Registrant waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

J. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes chapter 14 and section 150A.08, Registrant agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

K. Record. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceedings herein upon which the order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

L. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 5. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data

Practices Act, Minnesota Statutes chapter 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

M. Entire Agreement. Registrant has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Registrant is not relying on any other agreement or representations of any kind, verbal or otherwise.

N. Service. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Registrant. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

REGISTRANT

Brenda Turner
BRENDA TURNER, R.D.A.

By:

COMPLAINT COMMITTEE

Marshall Shrugg
MARSHALL SHRAGG
Executive Director

Dated: 5-13-04

Dated: 5/25/04

ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records and proceedings herein, the Board approves and adopts the terms of the stipulation, orders the recommended disciplinary action set forth in the stipulation, and accepts the voluntary SURRENDER of Registrant's registration to practice dental assisting in the State of Minnesota effective this 18th day of June, 2004.

MINNESOTA BOARD
OF DENTISTRY

By: Linda Boyum RDA
LINDA BOYUM, R.D.A.
President

AG: #990486-v1